

Filed for intro on 02/01/95  
House Bill \_\_\_\_\_  
By \_\_\_\_\_

Senate Bill No.SB0290  
By Fowler

AN ACT to amend Tennessee Code Annotated, Section 39-16-603  
and Section 40-33-201, relative to the offense of evading  
arrest.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section, 39-16-603, is amended by deleting  
the section in its entirety and by substituting instead the following:

(a) It is unlawful for a person intentionally to flee by any means of locomotion  
other than as provided in subsection (b) of this section from anyone the person knows to  
be a law enforcement officer when the person:

(1) Knows the officer is attempting to apprehend and/or detain the person;

or

(2) Has been arrested.

It is a defense to prosecution under this subsection that the attempted arrest was  
unlawful. A violation of this subsection is a Class A misdemeanor.

(b)(1) It is unlawful for any person, while operating a motor vehicle on any street,  
road, alley, or highway in this state, knowingly to flee or attempt to elude any law

enforcement officer, after having received any signal from the officer to bring the vehicle to a stop. A violation of this subsection is a Class E felony except when the flight or attempt to elude creates a risk of death or injury to an innocent bystander or other third party, in which case a violation is a Class C felony.

(2) In addition to the penalty prescribed under this subsection, the court shall order the suspension of the person's driver license for a period not less than six (6) months nor more than two (2) years. If the license is suspended at the time the order is issued, the suspension shall begin on the date the existing suspension ends. The court shall confiscate the license being suspended and forward it to the department of safety along with a report of the suspension. If the court is unable to collect the license, the court shall nevertheless forward the report to the department. The report shall include the complete name, address, birthdate, eye color, sex, and driver license number, if known, of the person whose license has been suspended and shall indicate the first and last day of the suspension period. If the person is the holder of a license in another state, the court shall not confiscate the license but shall notify the department, which shall notify the appropriate official in the licensing state. The court shall, however, suspend the person's non-resident driving privileges. For purposes of this subsection, there is a rebuttable presumption that the owner of the vehicle was the driver at the time of the offense.

(3) A vehicle used to elude law enforcement officers in which the person fleeing creates a risk of death or injury to an innocent bystander or other third party is subject to forfeiture under the provisions of Tennessee Code Annotated, Title 40, Chapter 33.

SECTION 2. Tennessee Code Annotated, Section 40-33-201, is amended by adding between the language "Section 39-16-603(b)(1) if the violation is a Class C felony".

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.